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ARGUMENT

OF

JOHN R. DOS PASSOS, Esq.

OF

NEW YORK

IN

FAVOR OF RECOGNITION OF CUBA

BY THE

UNITED STATES

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JOHN R. DOS PASSOS, ESQ.
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The subject of Cuba has been discussed in this country in a desultory but prolific manner for almost 70 years. While it has from time to time received the attention of statesmen, philosophers, politicians, financiers and business men, and hardly any aspect of the question has escaped attention, it has never been presented to the people of the United States in such a form that they could earnestly and intelligently act upon it.

Three propositions, however, have been evolved from the discussion around which all of the history, politics, morals and law of the subject cluster :

First, whether the United States should not buy the island ; second, whether she should not assist the Cubans by according to them belligerent rights in their attempts to procure freedom from Spain ; or, third, whether this government should not forcibly intervene in favor of Cuba and insist upon the latter's complete and absolute independence.

There have been several distinct revolutions in that island since 1824, each of which has been accompanied by great bloodshed, sacrifice of rights,

loss of property, and derangement and prostration of commercial interests.

Another revolution has now been inaugurated, and the circumstances surrounding it are such as to most impressively call the attention of the citizens of this country to the struggle.

The situation all around has completely changed since the close of the last Cuban War in 1878. Almost every Spanish-speaking nation on this continent is now a Republic; and irrespective of the present revolution, or of the participation of the United States therein, it is simply a question of time when they will all exist under that system of Government.

Mexico has constituted a firm and indissoluble union of her people; and she now has twenty-eight states and two territories in her Republic. The tendency of the other Republics of South and Central America is to follow her wise example. Consolidation is the tendency of the age in public and private matters.

The condition of Spain is politically, morally, commercially and financially so weak that she stands constantly on the brink of revolution, which threatens to destroy her existing monarchical government. It is a matter of wonder that Cuba has thrived at all under the heavy burdens which she has suffered from Spanish rule. That her material, moral, commercial and intellectual progress have been affected by this influence goes by the mere saying. Her present development indicates the wealth of her resources. If Spain succeeds in conquering Cuba again, there is no question but that it will prove a heavy blow to her, because it means that she will be loaded with an

additional debt, and that new forms of despotic power will be applied to keep her in future subjection.

The United States has cultivated a large trade with Cuba, amounting to many millions of dollars; and the interests of her citizens are now so interwoven with Cuban property, commerce and business, that they are inseparably connected.

Quite aside from the question, whether the United States should not have long since intervened in the affairs of Cuba, it is evident that the present situation most emphatically demands that she should temporize and dally with the subject no longer. The time seems to have at last arrived when she must finally and forever decide the Cuban question and speak out without equivocation.

It is perfectly manifest that Spain and Cuba must forever part. The two nations are out of all harmony with each other; and added to this, nature has separated them so widely, that a political division sooner or later is inevitable.

There seems to be no basis for compromise or *half-way measures this time*. The Cubans announce that they mean war to the knife. It is a fight of extermination; and to leave no doubt upon the subject, the Cubans have pledged themselves, in their Constitution, that they will accept nothing but absolute independence and freedom. Justice and humanity alike appeal to the civilized world to end this bloody struggle; and other considerations more peculiarly dictate to the United States that she should lead the way to the end.

But this is a question which must be thoughtfully and carefully reasoned out. If we conclude that neither policy, self-interest, nor justice demand that

we should intervene or meddle in this strife, we should boldly and in unmistakable language, say it to the world. If that is to be our conclusion, let us give no further aid or comfort to the insurgents, or encourage the wistful glances which they now cast towards this country for countenance and support.

The pertinent questions, therefore, to be considered are, the relations of the United States to Cuba, and the course or policy which those relations dictate that she should follow.

It is to be regretted that Mr. Cleveland did not feel called upon to more fully express his views upon this important subject in his message. While he agrees that an insurrection exists in the Island "more active than the last preceding revolt," and concludes with the hope that the "devastation of armed conflict may speedily be stayed," the whole point of his views is concentrated upon the question of maintaining the neutrality laws.

What his opinion is upon the subject of the conflict; what his views are as to the policy of the government on the subject of the recognition of the insurgents, are left untouched.

What he says about the neutrality laws being enforced, is just as applicable to the condition of affairs existing after belligerency is accorded, as before that time.

There is a word which is much in vogue in this country at present, and especially applied in the discussion of international questions. I mean the word "Jingo." In the regular dictionaries this word is given as an expletive, a vulgar oath (if there are any oaths that are not vulgar); but in the sense in which it is now used, I take it that it

is intended to mean "swagger," "froth," "demagogic," that it is expressly applicable to individuals who constantly advocate foreign wars and aggressive policies without regard to the inherent truth or justice of the questions involved.

Taking this to be the meaning of the word, it is absolutely true that this subject should not be considered in any Jingo sense. The United States is too great a nation; the American people ought to be too honorable, proud and just to do the slightest wrong to any nation, especially one in the weak position in which Spain now finds herself.

In the consideration of this question, therefore, "Jingoism" must be excluded; and we must go to the very marrow of the subject before taking any decisive step. Approaching it in this spirit, I find that the relations of the United States to Cuba are threefold: Natural or geographical, moral or political, and commercial.

The natural or geographical relations arise from the proximity of the island to our continent. Divided from the State of Florida by a channel not more than 65 miles wide, the Island of Cuba, as Mr. Adams said in 1823, is a natural appendage to the North American Continent, and almost inside of our shores. Cuba commands the main entrance to the Gulf of Mexico, and the possession of the island constitutes a powerful menace to the Republics of Mexico, Central America and the northern part of South America.

In the event of trouble between the United States and any of those Republics, the possession of Cuba would be one of incontestable value to our Government.

In the event of war with European countries, it

is equally important. It has harbors which can be made impregnable on both ends of the island and near the centre on both coasts—fronting a long line of our shores destitute of the same advantages.

I do not need to claim or argue, that the fact that Cuba possesses these natural and geographical advantages to the United States, entitles or justifies this Government in intervening in the present struggle—in connection with other matters which I will advert to farther on, they undoubtedly do sanction such action—but I do assert that had England, boasting to be the most civilized of European nations, occupied the geographical position which we do to Cuba, that island would have been a part of English territory 50 years ago, by purchase, perhaps, if not, by conquest.

And I assert that the fact that we have not before annexed Cuba to our Union illustrates the prudence, the caution, the honesty and the friendship which this people have exhibited in dealing with a question which has been, is and will be, as at present constituted, a perpetual source of trouble and annoyance to us, publicly and privately.

The question of self-protection, or self-interest, present or future, to a nation, has always been regarded by diplomatists and writers, as a most important motive to the acquisition of territory, or in shaping its foreign policy. Modern history can be appealed to and will furnish bountiful illustrations to confirm this statement.

In point of view of wealth, or proximity and commerce, Cuba is much more important to the United States than many of the present States of the Union.

Politically and morally the United States is

deeply interested in Cuba. The sympathies of the American people are undoubtedly with her in her struggle for freedom. There is a genuine sentiment or belief prevailing among us that a Republican form of government closely carried out, and developed upon the lines laid down in our Constitution and early history of this country, is the best form of government under which people can live. It is natural for us to sympathize with a community even more remotely situated from us than Cuba, in its efforts to throw off a government of despotism for one of democracy.

As I have said, it is a matter of time when Cuba will be free, whether the United States assists or not. But we do assist. We are assisting Cuba now in every conceivable manner; and it is one of the just causes of complaint that Spain formulates against us, that we are secretly giving aid, and material support, to her colony which is in a state of insurrection. Indeed, the whole country seems to be aroused in favor of this colony. If we have no right to aid Cuba, these demonstrations should be stopped.

This sympathy which is so lavishly and universally bestowed upon Cuba at the present time is not the result of a covetous desire on the part of the people of this country to acquire new territory. It arises mainly from the fact that we believe, the inhabitants, of that beautiful and wealthy isle, are under the domination of a despotism, that deprives the people of those natural and unalienable rights which humanity is everywhere entitled to enjoy. Nor is this conclusion based upon a study of any isolated portion, or epoch, in Cuban history, but it

results from a review of her whole government for 70 years.

But beyond this, Cuba occupies a phenomenal position to the United States, under the Monroe doctrine, which receives renewed vigor and life from Mr. Cleveland's earnest reiteration of it. While we admit that Cuba is a lawfully constituted colony of Spain, we do not admit that she could be ceded, or transferred, to any European power. The ownership of Spain of the Island is not absolute, it is united and controlled by the doctrine of Monroe, which clearly distinguishes the case from one where the mother country possessed an absolute power of ownership and control.

The Monroe doctrine gives the people of this country, irrespective of other claims, a deep interest in the present and future destinies of the island.

As the natural or geographical relation of one country to another may not, *per se*, justify its seizure by the stronger power, the same conclusion can be admitted in regard to political and moral relations.

The bare fact that Cuba is owned and controlled by monarchical Spain, and that her people are not enjoying as full a share of political liberty as the people of the United States, would not justify our government in liberating the former, or extending aid to a revolution, against the mother country, with whom we are at peace. But when, added to geographical or natural, political and moral, considerations, we feel, and know, that the Cubans are determined to separate from the mother country, when we know that the people are living under the influences of almost absolute despotic

power, and they directly appeal to us for aid, then singly and together these facts justify us in helping the insurgents in their struggle; and the principles of international law will thoroughly support us, in extending assistance to them.

Then lastly, the United States has relations with Cuba of a most extensive commercial character. Our citizens are owners of property in Cuba to an enormous extent; and the business interests of the two countries are so complicated and involved that they are practically inseparable. The merchants here feel every pulsation of the war, and their property, business and rights are constantly jeopardized and injured by it. There is a universal belief in mercantile circles that the separation of Spain from Cuba would most materially increase the general business between the two countries; and that Cuba, so prolific and fertile in her soil and productions, would be enabled to develop her resources more than ten-fold over her present trade.

Our exports to Cuba are between eighteen and twenty-five millions of dollars a year (they were twenty-five millions in 1893); while the imports are from sixty-five to seventy-five millions, reaching the latter figure in 1893. There is no question but that the domination of Spain over Cuba materially retards the latter's prosperity; and while a revenue of nearly twenty-six millions is collected yearly from her by Spain, there was a deficit in her budget account of from six to eight millions the year before the war commenced.

The expectation of increasing our trade, and developing the resources of that wonderful isle, to their full extent, is a great temptation to our merchants to advocate separation; and we must, in

considering the question, be very careful not to permit these mercenary motives to overcome our judgment and to interfere with the duties which we owe the mother country.

Just here, however, the history of this continent for the past 70 years, comes in with irresistible force in favor of the separation. Say what we will, argue as we please, the inexorable facts teach us that the powers of Europe must soon forever relax their grip upon this hemisphere; and that the inevitable result is the absolute independence of each individual State.

Here then, briefly stated, are the grounds upon which the interests of the United States in this struggle are built. Is she justified? Need we go any further in the discussion? Did any nation ever show stronger grounds for intervention?

Geographically and naturally Cuba belongs to us—that is, by what is known as the law of vicinage (a doctrine strongly supported by Mr. Webster), and we would be justified in encouraging the revolutionists. Politically and morally she ought to, and will, be a Republic; (and commercially our interests in the island are so great that the best writers upon international law justify us, upon the doctrine of self preservation, in intervening to save and protect the property and rights, and advance the interests and commerce of our own citizens.

But there might exist cases in which even a combination of geographical or natural, political or moral, and commercial interests, would not justify the intervention of one nation in the quarrels of another. It will be well to rest the justification of the United States Government in intervening upon even broader grounds than these referred to. We must

then institute an inquiry into the relations existing between Spain and Cuba, to endeavor to ascertain the causes which led to the present outbreak, to see if we can find in this history anything that adds strength to the conclusion already reached.

Political revolutions, like physical disorders, do not frequently break out without cause. There must be some lurking, dangerous disease, which lies at the bottom of these upheavals, and which periodically affects a land so attractive and rich as is this isle.

If a nation at any time intervenes in a neighbor's quarrel with her colony it is refreshing at least to know that the latter has right upon her side.

To comprehend the causes of these uprisings in Cuba, it is essential to have a knowledge of the system of government which prevails there. Are these uprisings the mere result of passions, excited by socialism, by anarchy, by crime? Are they unfounded and unjust attempts, upon the part of the people of that island, to overthrow a free, liberal and stable government? Or does the fault lie on the part of Spain? Are the people uprising to overturn an oppressive and tyrannical government? Is it, on the part of the people, a battle for freedom, for fundamental rights? This is the issue. Unfortunately for Spain, every question must be decided against her.

Since 1825 Cuba has been ruled, off and on, by a pure despotism; and the people have been governed by the sole and sovereign will of the Captains-General, unchecked by constitution or laws. This tyrannical authority has not been usurped by these officials, but extraordinarily to relate, it has been thrust upon them. They have been officially and

regularly invested with despotic prerogatives, and are now acting under a royal decree, solemnly promulgated by the Spanish King and confirmed by the Government. This decree confers upon these officials powers which are not possessed by any recognized monarch, Czar, Sultan or potentate in the civilized or uncivilized world.

If a constitution, such as Cuba has lived under since 1825, were proposed to-day as a rule of government in any barbaric country in the world, it would produce a revolution.

This royal decree, the most extraordinary political document extant, was issued on the 28th of March, 1825, by Ferdinand VII., an open and profound hater of all constitutional law, and it stands to-day unrevoked and unrecalled. I give it in full:

“ His Majesty, the King, our lord, *desiring to obviate the inconveniences* which might result in *extraordinary cases* from a *division of command*, and from the interference of powers and prerogatives of the respective officers; for the important end of preserving in that *precious* island his legitimate sovereign authority and *public tranquillity through proper means*, has resolved, in accordance with the opinion of his Council of Ministers, to give to *your Excellency the fullest authority, bestowing upon you all the powers which by the Royal ordinances are granted to the governors of besieged cities*. In consequence of this his Majesty gives to your Excellency *the most complete and unbounded power*, not only to send away from the island any persons in office, whatever be their occupation, rank, class or condition, whose continuance therein your Excellency may deem injurious, or whose conduct, public or private, may alarm you,

replacing them with persons faithful to his Majesty, and deserving of all the confidence of your Excellency, *but also to suspend the execution of any order whatsoever, or any general provision made concerning any breach of the administration as your Excellency may think most suitable to the royal service.*

For the purpose of obviating "inconveniences" which might result from a "division of command" for the important end of preserving, in that precious island, his legitimate sovereign authority and public tranquillity, through proper means, the King of Spain bestows "all the powers which by the royal ordinances are granted to the governors of besieged cities."

By this extraordinary edict, Cuba was proclaimed to be under perpetual martial law, and the autocratic powers of a military commander were bestowed upon the Captains-General. It abolished all rules and principles of law, and all forms of procedure. It created a despotism pure and simple. The lives, the liberties and the property of the people of Cuba were placed in the hands of this officially decorated despot. The King of Spain, with one dash of his pen, ordained this tyranny and blotted out all possible freedom in Cuba.

There was no exceptional situation which authorized the promulgation of this phenomenal decree. Ferdinand VII. had been deposed, and a constitutional government substituted in place of a pure monarchy. Recovering his throne by the aid of 100,000 French soldiers, acting under the orders of a French King, Ferdinand believed that the only way to hold Cuba was to enslave her, and to keep

her under the influence of a despotism. The policy then inaugurated has been consistently continued.

It is almost impossible to use temperate language in discussing this document; it is not aimed at any individual or individuals. It does not seek to curtail or restrict the rights or property of specified persons; it is a chart by which the Captains-General are to govern all of the citizens of Cuba; it is a grant of wholesale, despotic, powers; it was a plenary decree against liberty and justice.

If there had been anything in the history of Cuba, at that time, to temporarily justify the issuance of such a measure, certainly it should have been recalled, or revoked, after peace and tranquility had been restored. But it has remained *in vigore*, unrevoked and unrecalled, in whole or part. It has been a perpetual menace to the inhabitants of Cuba. It is a reservoir of tyrannical power from which the Captains-General from time to time could draw authority to support and justify any despotic acts, against life, liberty or property, which they chose to commit. There is not one word in this remarkable document which curtailed the power of the Captains-General, nor any reservation in favor of the rights or privileges of the citizens of Cuba. Not one syllable which impresses upon the Captain General the necessity of not infringing the liberties of the people. But a general, unlimited and unrestricted, power of attorney, a *carte blanche* to this official, to do anything, which "His Excellency may think most suitable to the royal service."

Now, there are certain principles which underlie all human society, which are called the absolute rights of individuals. I mean those undisputed

and inherent privileges which every man can rightfully claim from a government. Those sacred rights which are born with him, and which are as necessary to his existence as the faculties of eating, of sleeping, and of breathing; and which, if they are denied to him, give him according to every responsible authority the right of rebellion; renders him the just object of sympathy to all lovers of truth and freedom; and justifies any nation in succoring and supporting him in his efforts for liberty.

The basis of all social compacts rests upon an implied, but perfectly defined, contract. The king, or state, or sovereign power, agrees on his, or its part, to furnish protection to the subject, to his person, rights and property. The subject agrees to furnish loyalty, to obey the laws, to support the state. The contract is not unilateral, it is reciprocal.

The rights of the subject are equally as important as those of the sovereign. The rights of the subject, and the prerogative of the sovereign, must always be clearly defined and understood, else confusion and disorder will creep into, and eventually overthrow, any government.

I mean to assert this as a principle of universal natural law: That where the subjects of any country are deprived of the unalienable and absolute rights of individuals, that such people are justified by rebellion, force, or any other means, in rescuing themselves from the power that holds them in subjection; and that any outside civilized nation has the right, and it is its duty, to acknowledge the belligerency of such people; nay to succor and support them in their attempt to liberate

themselves. And most impressively does the rule apply to a case where the relations, geographical, natural, political, moral and commercial, are such as exist between Cuba and the United States.

As allegiance is the tie, or ligament, which binds the subject to the king, in return for that protection which the king affords the subject, it follows logically, naturally and morally, that when the king ceases to protect, the tie is dissolved, and the subject relieved from allegiance or loyalty.

I will cite two illustrious precedents for this proposition, which no one can dispute, because they constitute the corner stones of two of the greatest governments in the world—the United States and France.

The declaration of the United States on the eve of her separation from England is this :

“ We hold these truths to be self evident, that all men are created equal, that they are endowed, by their Creator, with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to

right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.”

And the French people reiterated this declaration of the rights of men in 1793:

“The object of society is the general welfare. Government is instituted to secure to man the free use of his unalienable rights. These rights are liberty, equality, security, property.

“When government violates the rights of the people, insurrection of the people, and of every single part of it, is the most sacred of its rights and the highest of its duties.”

(Declaration of the Rights of Man by the French People, 1793.)

Now, what are the absolute rights of individuals of which I am speaking? They are threefold: First, the right of personal security; second, the right of personal liberty; and, third, the right of private property.

I repeat, that any state, which deprives its citizens of these fundamental prerogatives of man, is a despotism, and that the people are justified in revolution, and that it is not only the right, but it is the duty, of every other civilized nation to assist and support them in such a revolution. Irrespective of geographical or natural, political or moral, and commercial reasons, or combined with each and all of them, here is a safe and secure foundation upon which the United States can rest her right to intervene in the cause of Cuba, if it can be

shown that these invaluable prerogatives of man are denied to the inhabitants of that island. In this secure harbor, the United States can safely rest, and defy adverse criticisms of her conduct, in recognizing these insurgents.

Let us, therefore, proceed to discover what these absolute rights are. The first and most important is the great right of personal security, which means that every individual is entitled to the rational and legal enjoyment of life, limb, body, health and reputation. It is not only enjoined upon us by Divine command to grant this right to individuals, but without its existence no government is entitled to any respect or support, either from its own citizens or from anybody else. This right means that a man's life shall not be taken from him without just cause, without trial, without ceremony. It means that no being on the face of the earth, no matter how powerful and great, can be invested with the authority to destroy these invaluable privileges upon his mere notion, whim, caprice or *ipse dixit*. The very thought of the existence of such authority is shocking and revolting to every humane and civilized instinct. Yet the Captain-General of Cuba has this phenomenal and extensive power, under the decree of 1825; and the lives, the limbs, the bodies, the health and the reputations of the subjects of Cuba are all placed in the palm of his hand. He has the sole and absolute domination over these people, without any redress and without any appeal from a cruel or unjust exercise of his power.

Defined offenses, regular accusations, open and preliminary examinations, formal indictments, trials by jury, regular convictions and sentences, a

civilized system of criminal procedure—all of these things, so precious to the Anglo-Saxon race, so dear to all nations, have been, and may be, substantially wiped out in the government of Cuba under this extraordinary *régime*.

Now, it may be said that, although this decree of 1825 is unrepealed, it has lain dormant in the hands of the Captains-General, and that it is practically a dead letter. This is not true, and there are many living witnesses, and much historical evidence, to show that the powers therein contained have been, in numerous instances, cruelly and even barbarously exercised.

It is true that there are courts in Cuba, and judges, and all the formal machinery of a legal and political system can there be found; but behind these forms stalks the ghost of despotism, frightening order and justice from their seats. The forms and machinery of the law have been sheer mockeries, travesties upon substantial justice.

It is uncontradicted history that the theory of the Spanish kings in governing Cuba has been to hold her in close subjection. The Spaniards have believed that the only method of preventing the independence of Cuba, and her separation from the mother country, was, and is, to rule the Cubans with a hand of iron; and while the powers of the Captains-General may have been latent, they were ready to spring into actual life and use upon any propitious occasion.

The next absolute right of individuals is that of personal liberty, which means the free power of locomotion, without illegal restraint or banishment. This essential principle is also utterly rejected in the government of Cuba. No subject of that

country exercises or enjoys the right of personal liberty. His movements are curtailed and guarded; he dwells under a constant system of espionage, and he cannot move a single step, without being subjected to explanation and arrest, at the will of the Cuban authorities. The power of coming and going as he pleases, subject only to proper, reasonable and legal restraint, is denied to him. The Captain-General can restrain him, or banish him, according to his mighty pleasure.

Then, two striking and indispensable elements of a progressive government are lacking in Cuba,—a free and unlicensed press, and the right of the people to meet together to discuss public questions. It is a pure waste of time and space to elaborate the importance of these two primary rights.

If a free press, and the right of public discussion, had existed in Cuba, an entirely different state of affairs might have prevailed between the colony and the mother country to-day; but the Spaniards have adhered strictly to one rule, namely, to govern these people despotically, and although desultory protests have been, from time to time, heard in Spain and in Cuba against the system, they have been without avail. Deputies said in the Cortes in 1872: “Cuba is sunk under an inundation of abuses, and a *plus ultra* is impossible unless indeed the extermination of the whole island be decreed.” “Cuba is groaning under the scourge of arbitrary power; there is no law, no code, no constitution.” “Send back the twelve thousand vultures who are devouring Cuba.” Froude says: “The government is unimaginably corrupt and the fiscal policy oppressive and ruinous.”

Added to all these things is the excessive and

monstrous taxation under which the Cuban people have labored. 1,600,000 people have been taxed \$34,000,000 a year, \$26,000,000 of which has actually been returned as collected. This is pure confiscation. It is a practical deprivation of the right of private property; that is, the right of enjoying property without illegal restraint or diminution.

Nothing illustrates the prodigious resources and natural wealth of Cuba more than this striking fact: that a population of 1,600,000 people are able to pay \$34,000,000 a year in taxation. It shows that Cuba is a never-failing gold mine. The Cubans fight for the control and management of their own property; and the Spaniards are desperately resolved not to let go such a rich prey. What Cuba would be able to do as an independent state, without the heavy hand of this foreign power upon its neck, any ordinary imagination can readily conceive.

What have the Cubans received from the Spanish government in return for the colossal sums of money which they have poured into the Spanish treasury? Out of this \$26,000,000 collected from them, about \$11,000,000 has been applied to pay the interest on a debt contracted by Spain in putting down the last rebellion. Hardly a dollar of this enormous revenue has been devoted to public purposes. There are no primary schools supported and encouraged by the government; the few there existing being the result of municipal support. Great libraries, internal improvements, and all those auxiliaries that are to be found in modern states are absent in that island.

When we come to examine into the executive,

administrative and judicial branches of the government, the picture of the distress which exists in Cuba is heightened and inflamed. The executive power of Government is the Captain-General, who exercises his privileges without restraint, control or direction. The government of the island largely depends upon the temperament, and character, of the official who holds the office. If it happens to be filled by a faithless, dishonest and ignorant official, the citizens must suffer. If it falls to the lot of a man of judgment and character, they enjoy a fuller share of liberty and happiness; but let the power be lodged in whosoever hands it may, the people of Cuba cannot enjoy the government which they desire.

The Captain-General is not a Cuban. He is a foreigner. In his appointment the Cuban people have no voice or power, and the placing of such phenomenal authority in the hands of a stranger is contrary to all the modern ideas of government. It is no answer to this assertion to say that the Captain-General is of the same race and language. The English were of the same race and language as the Americans, but their officials were no less distasteful; and as a matter of history, a contest between persons of the same race and language is generally much more keen and bitter than one between strangers.

The governorship of Cuba is to-day the fattest and most coveted office in the gift of the Spanish government. It is a notorious fact that their income is made up largely from plunder, and when their greed is satisfied they return to Spain and enjoy their ill-gotten gains. Although the revenues of the island of Cuba amount, as I have said, to

nearly \$26,000,000 a year, there is a deficiency of \$6,000,000 to \$8,000,000 annually, although enough is collected to pay the excessive demands of the Spanish government, if the revenue was not stolen.

When we come to the administrative branch of the government, we find an equally deplorable condition prevailing. It includes all of the officers engaged in the affairs of Cuba, except the executive and judicial. The most important of these are the agents who manage its customs and revenues, and striking illustrations may be borrowed from these sources of the deplorable inefficiency of the government. The natives of Cuba are practically unrepresented in the administration of Cuban affairs. At least ninety per cent. of all these officials are Spaniards, and the natives are debarred from all voice, control or participation in the government. These Spaniards have no interest in Cuban affairs which impels them to properly perform their duties, beyond a motive of personal aggrandizement and riches. Their main object is plunder, and the result is corruption in every branch of the administration. It is stated upon the best authority that duties are collected upon only 40 per cent. of the goods imported, and that the other 60 per cent. of dutiable merchandise is, by the connivance of the officials, smuggled into Cuba free of duty, the amount thereof being divided as follows: 40 per cent. to the importers, 40 per cent. to the inspectors and collectors and 20 per cent. to minor officials.

The judicial branch of the government is on a par with the others. The most essential feature of a judiciary in a monarchical form of government, is its independence. The judges act as a barrier

against the wrongful assaults of the crown. They guard the rights of the subject from the injustice of the ruler. Nothing is more striking in English history than the fearlessness and independence of the judges in times when the rights, liberties and property of Englishmen were threatened or assailed. Nothing has done more to build up the free and liberal government, which there exists than the continued assertion of the rights of the people by the English judiciary. What is the effect? In England you find an incorruptible and faithful body of judges administering justice, not infallibly, it is true, but fairly, honestly and impartially. In Cuba how different is the system. Ninety per cent. of the judges are Spaniards, influenced by no consideration except to obey the wishes of the crown and to enforce the illiberal policy of the Spanish executive. Their tenure of office rests upon the smiles of the Captain-General. Why should the Cubans be excluded from these positions? Why should not the Cubans be judged by their own citizens; by those born, raised and domiciled in the island?

I have thus, by endeavoring to make a comparison between the government of Cuba and a government where the inhabitants enjoy their absolute rights, sought to show the present, political, financial and moral condition of that island. To sum up the matter in a few words, the conceded facts are:

FIRST.—That the Cubans have no voice or control in the government of their country;

SECOND.—They have no substantial representation in the Spanish Cortes, which directs and

controls their destinies, their representation being formal, indeed, grotesque.

THIRD.—They have no free press ;

FOURTH.—The right of meeting together to discuss public questions is denied them ;

FIFTH.—There is no well regulated system of public education in the island ;

SIXTH.—They are taxed to a degree which results in the confiscation of their property ;

SEVENTH.—The prerogatives of the Spanish crown in the government of Cuba are undefined, and the result is that the Spanish policy, in its management of the people of Cuba, is entirely dictated by a desire to extort from them all the money necessary to support that rotten and falling dynasty ;

EIGHTH.—The Spanish government has sent into the island a horde of greedy and unconscionable officials, who rob both the Spaniards and the Cubans, and who have instituted and established in the island a system of corruption which runs through all the branches of the government.

These are the principal features which attract the attention of an independent mind in investigating the causes of the present rebellion. It is unnecessary to picture any of the subordinate or minor evils which exist in that unhappy island. Standing out in bold relief is the policy of Spain to hold Cuba merely for mercenary and selfish purposes. No consideration of progress, of liberty, of justice, of improvement, have been allowed to interfere with this dominating passion. To carry out her policy, she has endeavored to keep Cuba isolated and aloof from the outside world, by denying her the privileges of a liberal government, and closing

all the doors through which the Cubans might pass into a freer and more independent state. So jealous has she been of the effects and influences of modern and liberal life, that she has interdicted the people from even educating their sons in the United States.

These are the plain, bald facts, which confront the American people in their investigation of this serious question; and it only remains to inquire whether, upon all of the facts, looking at the matter calmly and dispassionately, they are sufficient to interest this government in the Cuban revolution; whether they are sufficient, whether they are adequate, under principles of international law, to justify us in extending aid and encouragement to the people engaged in seeking to throw off the despotic government under which they are now compelled to live.

Now, there are two courses open to this government in her dealings with this question, if she decides to become interested in the struggle. She can either, first, recognize the Cuban insurgents as belligerents; or, second, she can intervene in the quarrel and become an ally of Cuba and openly espouse her cause.

First, the recognition of belligerency means simply that the United States is an indifferent spectator to the struggle, but that she is prevailed upon by existing conditions to recognize the revolutionists as a *de facto* government, an existing political organization, and entitled to the rights of war.

The rule of international law, as laid down by the best authorities upon the subject, is that until the revolution is consummated, and whilst the civil war involving a contest for the government con-

tinues, other states may remain indifferent spectators of the controversy, and still continue to treat the ancient government as sovereign, and the government *de facto* as a society, entitled to the rights of war against its enemy.

In this case, a foreign state fulfills all its obligations under the law of nations, and neither party has any right to complain, provided it maintains an impartial neutrality.

The effect of the recognition by this government of the *Cuban rebellion* would be to place them upon an entirely different footing from that which they now occupy.

As long as there is an internal contest between Spain and Cuba, and no recognition of belligerency is accorded by foreign governments to the latter, the struggle partakes of revolution. The Cubans can be punished as traitors to the mother country, if they are captured on land; or, if they are taken on the high seas, in a state of war against Spain, they may be treated by that power as pirates. It is nothing but a family quarrel between the mother country and her colony, in which the former, if she succeeds in putting down the rebellion, can apply such punishment to her subjects, disputing her supremacy, as she deems proper; but when the Cuban insurgents are recognized by foreign governments as belligerents, their status is completely changed, and instead of being traitors and pirates, in the estimation of the law of nations, they are simply carrying on a war against Spain, and are entitled to all the rights of war.

The most recent and illustrious example of the effect of recognition of belligerency is to be drawn from the late civil war, where, almost as soon as the

Confederate States revolted from the parent government, and undertook to secede from the Union, they were recognized as a belligerent power by England and France. For, although the United States Government did everything in its power, by argument and protestation, both here and abroad, through its ministers, to prevent such action, their remonstrances were futile, and such recognition was accorded by these two great powers of Europe almost immediately upon, or very soon after, the commencement of the Rebellion.

The United States had no just cause of complaint against England and France for recognizing the Confederate government as belligerents, because it was a matter wholly within the discretion of each of these sovereignties to decide that question for themselves; and they argued that the fact that the Confederates had organized a government, had declared a war, which was existing in its full extent, and that they had endeavored to separate from the Northern States by an organized movement, constituted circumstances sufficient to justify such recognition of belligerency.

There seems to be very little dispute, or difference of opinion, between writers upon international law upon the question as to when the right of recognition of belligerency may be exercised. They all agree that certain conditions must exist before belligerent rights should be accorded to a revolting colony.

A state of things, between the parent state and the insurgents, must amount in fact to a war, in the sense of international law. That is, powers and rights of war must be in actual existence;

otherwise the recognition is falsified, for the recognition is of a fact.

The tests to determine the question are numerous, but they necessarily vary according to the peculiar circumstances of each case. It is agreed, however, on all sides, that the following are essential: The existence of a *de facto* political organization of the insurgents, sufficient in character, population and resources to constitute it, if left to itself, a state among the nations of the world, reasonably capable of discharging the duties of a state; and the actual employment of military forces on each side, with the rules and customs of war.

These are very reasonable conditions to exact by foreign powers as a precedent to recognition, because they distinguish actual rebellion from riotous and other petty disturbances, to which every nation is more or less subjected.

Mr. Wheaton, one of the leading authorities on this topic, argues that if all these elements exist, the condition of things is undoubtedly war, and he declares that it may be war before they are all ripened into activity.

Another writer lays down the doctrine that in deciding the question of according belligerent rights, the foreign states are bound and entitled to *consider the preceding history of the parties*.

Another principle is equally well settled; that it is for the government according the recognition, to decide for itself whether the circumstances surrounding the revolution are of such a character as entitle the insurgents to belligerent rights; but if it makes the recognition prematurely, it is liable

to the suspicion of an unfriendly purpose to the parent state.

It must be borne in mind, that quite naturally a nation within whose borders a revolution is raging always bitterly opposes the recognition of the insurgents, no matter how serious the revolution may prove to be, or what its causes are; and therefore it is practically impossible in any case to accord such recognition without exciting more or less feeling. Hence the principle above adverted to, that when recognition has been determined upon by a foreign state, it furnishes no just cause of complaint on the part of the mother country against the foreign power according belligerent rights. If it did, no recognition would ever be accorded, because it would always be to the interest of the mother country to remonstrate against it, without regard to actual conditions.

The question as to the time when such belligerent rights can be accorded is also naturally left with the foreign powers. That is a question which must be decided by a consideration of all the circumstances, surrounding the revolution. In many instances foreign powers accord immediate recognition, because some revolutions are accomplished quickly and without much bloodshed.

The dethronement of Dom Pedro in Brazil, at a moment when all the world imagined that that Emperor's reign was agreeable to all his subjects, is a striking illustration.

The question, therefore, directly occurs, whether the facts surrounding the present Cuban rebellion are such as justify this government in taking action without further delay.

I strongly urge that the facts which I now give

fully answer that question in favor of recognition :

FIRST.—A state of war exists between Spain and her colony. It is a war of such great dimensions that Spain could not depend upon her army and navy, regularly stationed in Cuba and her waters, aided by the civil power and her constabulary forces, to suppress it.

The rebellion in Cuba is not a riot or disturbance, which could be quelled by the ordinary civil machinery of arrest and judicial trials. It is a real, genuine war, and not a sporadic uprising of a few discontented and unorganized people seeking some temporary object.

So important and widespread is the war, that Spain has been compelled to import a large army into Cuba, which has so far operated most unsuccessfully in its endeavor to quench the rebellious fire which there rages.

SECOND.—The insurgents have organized a *de facto* government. They have adopted a constitution, assumed a name, have a flag, and all the other auxiliaries of a regularly constituted nation.

Neither the lack of money on the part of Cuba, nor her ability to organize a powerful and combined army, militates, in international law, against her pretensions for recognition.

If these things were a necessary condition to the accordance of belligerent rights, such recognition would be useless, because if Cuba had an organized army, more powerful than that of Spain, and ample financial resources, she would soon oust Spain from the control of Cuba, and would instantly take her place among the nations of the world, and recognition would follow as a matter of course.

The fact that Cuba has separate but small bodies of troops operating in different parts of the island is sufficient, if it is manifest, from the surrounding circumstances, that these things produce a state of actual war.

THIRD.—But a more important circumstance than either of the foregoing exists in the present instance, namely, the preceding history of Cuba. This throws a flood of light upon the rebellion there existing, and enables foreign governments to determine without much difficulty that the struggle is one of importance and inaugurated for the establishment of some vital principle and fundamental change.

This is not the first rebellion that Spain has been compelled to combat. The last one existed nearly ten years, and the insurgents only desisted from the struggle upon receiving promises from Spain that deep and fundamental reforms would be made in the internal government of the island. These promises were not fulfilled; these reforms were never established; and the Cubans have again inaugurated a struggle, in which they boldly proclaim that there will be no compromise, but that the fight shall proceed to extermination, and they have incorporated into their constitution an article which proclaims that their ultimatum is the independence of Cuba.

This is no mere sudden ebullition of the Cuban people; no passionate or riotous demonstration of a mob. It is the act of a people struggling for freedom after repeated attempts to live under Spanish despotism.

This government is bound to take cognizance of these facts. It must not only look at the present:

rebellion, but it must study the history of Cuba for the past seventy years, to judge of the character of the struggle, or revolution, which is being enacted there now.

FOURTH.—Finally, the rights, property and interests of the citizens of the United States are so affected as to require and demand the recognition of the Cubans by this country on the ground of self-interest or preservation.

This is always put forward as an important element, both in the question of recognition and of actual interference.

What is meant by this proposition is this: That Cuba has for years occupied most important commercial relations to this country, which under ordinary conditions would be largely increased. It is our interest to keep alive and extend these relations, the development of the resources of Cuba being more important to our merchants than those of many of our own States. Millions of dollars of American money are invested there which is imperiled, and the commerce between the countries has most materially fallen off. This government has the clear right to protect this trade and property, especially in view of our natural and geographical relations to that island. For it must be borne in mind that in determining these questions of international law, no isolated fact is controlling. All of the circumstances surrounding the subject must be considered, and while in some instances the mere fact of self-interest might not be sufficient of itself as a ground of recognition, yet when taken with other matters, it would be a strong reason to uphold such act.

There is no good or substantial reason for delay in this matter by our government.

The spontaneous uprisings of the people in every part of the country attest the interest and reflect the strong opinions of our citizens in favor of recognition. Every element of life is represented in this popular demonstration. It arises from no mawkish sympathy—it is the result of study and belief.

International law fixes no rule by which so many ounces of blood must be spilled and so many victims die before recognition is accorded.

All of the influences which should affect any civilized power are potent here—self-interest, self-protection, geographical or natural, political or moral and commercial causes, justice and right, the dictates of Christianity and humanity, all alike cry out in favor of the step.